

FLEXIBLE SUPPORT FOR A CHAIR BACKREST

REMARKS

This paper is responsive to the non-final Office Action mailed December 14, 2005.

Claims 1-20 are pending in this application and currently stand rejected. Claim 2 has been canceled and claim 21 has been added. Upon entry of this paper, claims 1 and 3-21 will remain pending in this application.

No new matter has been added by this amendment.

In The Specification

Please replace paragraph [0023] on page 5 of the specification with the following replacement paragraph [0023]:

[0023] Returning to FIG. 1, an optional supplemental backrest support [[46]] 49 is shown. The lower end 48 of the supplemental support 49 is rigidly affixed to the mounting bracket 30. The upper end 50 of the supplemental support 49 comprises a rod 52 that slides along a slot 54 formed in a bracket 56. The bracket 56 is affixed to the rear side of the backrest 18. In this embodiment, the supplemental support 49 provides additional flexural stiffness when the backrest 18 is pivoted, helps keep the backrest 18 aligned vertically as it pivots and effectively limits pivoting of the backrest beyond the angles at which the rod 52 is in the lowermost (fully upright - FIG. 1) and uppermost (fully reclined - FIG. 2) positions on the slot 52. Substantial additional force is required to pivot the backrest beyond the fully reclined position. Other structures could be substituted for the rod 52 and slot 54 design of the supplemental support 49 disclosed in this embodiment. Such alternative structures could include a roller and track, a rack and gear, or a ball and roller, for example.

Claim Rejections - 35 U.S.C. § 102

Claims 1-3, 5, 6, 8, 11 and 13-19 were rejected under 35 U.S.C. § 102(b) as being anticipated by US Patent 6,070,937 to Ginat.

Applicant has amended claim 1 to now recite, in part, "...the backrest support having a flexible center portion comprising a spring element..." Flexible center portion 40 has been defined to include spring element 44. Support for this amendment to claim 1 can be found in FIGS. 1-3 and at least

starting with paragraph [0018] of the specification as originally filed. As can be seen, the backrest support disclosed by Ginat does not include a spring or any other similar element. In view thereof, Applicant respectfully submits that amended claim 1 is not anticipated by Ginat and is therefore in condition for allowance.

Claim 2 has been canceled.

Claims 3, 5, 7 and 8 have been amended for their appropriate dependency.

Claims 3, 5, 6, 8, 11, 13 and 14 are now believed to be allowable at least for the reason that each of these claims depend from an allowable base claim.

With regards to claim 15, Applicant respectfully traverses the Examiner's rejection. In its original form, claim 15 recites, in part:

“...the arm and armrest support...remain stationary when the flexible center portion...bends...”

Thus, in Applicant's chair, backrest support 36 allows backrest 18 to pivot, while arm 12, and therefore armrest 32, remain stationary (i.e., does not pivot). (See FIG. 2 and paragraph [0016] last sentence.) The arm and armrest taught by Ginat are anchored directly to the bracket member and therefore will not remain stationary whenever the back-support pivots and deflects the bracket member. Accordingly, Applicant believes that claim 15 is not anticipated by Ginat and is therefore in condition for allowance in its original form.

Claim 16 has been amended to correct its dependency on claim 15.

Amended claim 16 and original claim 17 are believed allowable at least for the reason that each depends from an allowable base claim.

Turning now to claim 18, the Examiner further rejected claim 18, and its dependent claims 19 and 20 under 35 U.S.C. § 102(e) as being anticipated by US Patent 6,523,898 to Ball et al.

Applicant has amended claim 18 to now recite, in part, “...the backrest support comprising a spring element...” Backrest support 136 has been defined to include spring element 44. Support for this amendment to claim 18 is derived from the last sentence of paragraph [0025] of the specification wherein chair 110 is defined as being “...very structurally similar to chair 10...” Thus, backrest support 136 of chair 110, being structurally similar to backrest support 36 of chair 10, may also include spring element 44. Clearly, the backrest support disclosed by Ginat does not include a spring or any other similar element. In view thereof, Applicant respectfully submits that amended claim 18 is not anticipated by either Ginat or Ball et al. and is therefore in condition for allowance.

Original claims 19 and 20 are believed allowable at least for the reason that each of these claims depend from an allowable base claim.

In view of the foregoing, reconsideration and withdrawal of the rejections under 35 U.S.C. § 102 is respectfully solicited.

Claim Rejections - 35 U.S.C. § 103

Claims 4 and 7 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent 6,070,937 to Ginat.

Applicant respectfully traverses the Examiner's rejection.

Claims 4 and 7 depend from independent claim 1. As previously discussed, amended claim 1 recites, in part, "...the backrest support having a flexible center portion comprising a spring element..." Having thoroughly review the components comprising the chair taught by Ginat, Applicant did not find any reference to a spring or any other similar element. Therefore, amended claim 1 is believed patentable over Ginat. Applicant respectfully submits that claims 4 and 7 are also patentable over Ginat at least for the reason that each of these claims depend on an allowable base claim.

Claims 9, 10 and 12 were rejected under 35 U.S.C. § 103(a) as being unpatentable over US Patent 6,070,937 to Ginat in view of US Patent 4,832,406 to Adams et al.

Applicant respectfully traverses the Examiner's rejection.

Claims 9, 10 and 12 depend from independent claim 1. As previously discussed, amended claim 1 recites, in part, "...the backrest support having a flexible center portion comprising a spring element..." Having thoroughly reviewed the teachings of both Ginat and Adams et al., Applicant did not find any reference to a spring or any other similar element. Therefore, amended claim 1 is believed patentable over Ginat in view of Adams et al. Applicant respectfully submits that claims 9, 10 and 12 are also patentable over Ginat in view of Adams et al. at least for the reason that each of these claims depend on an allowable base claim.

Reconsideration and withdrawal of the rejections under 35 U.S.C. § 103 is respectfully solicited.

New Claims

Applicant has added claim 21. New claim 21 is dependent upon claim 1 and is supported at least in part by the first sentence of paragraph [0014] in the application as originally filed. Applicant believes claim 21 is in condition for allowance at least for the reason that it depends from an allowable base claim. Entry of claim 21 is respectfully solicited.

CONCLUSION

Upon entry of this paper, claims 1 and 3-21 will remain pending in the present patent application. These pending claims are believed to be in condition for allowance. Reconsideration and prompt passage of the application to allowance is respectfully solicited.

Respectfully Submitted,

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Dated: April 12, 2006

M2:20786717.01